



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2014 REGULAR SESSION

HOUSE BILL NO. 396

MONDAY, MARCH 10, 2014

The following bill was reported to the Senate from the House and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 AN ACT relating to economic development.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔ Section 1. KRS 154.25-010 is amended to read as follows:

4 As used in this subchapter~~[-, unless the context clearly indicates otherwise]:~~

- 5 (1) "Activation date" means a date selected by an approved company and set forth in
- 6 the jobs retention agreement at any time within a three (3) year period after the date
- 7 of final approval of the agreement by the authority upon which the required
- 8 investment shall be made and the jobs retention project completed;
- 9 (2) "Agreement" means a jobs retention agreement entered into pursuant to KRS
- 10 154.25-030 on behalf of the authority and an approved company with respect to a
- 11 jobs retention project;
- 12 (3) "Approved company" means any eligible company approved by the authority
- 13 pursuant to KRS 154.25-030 for a jobs retention project;
- 14 (4) "Approved costs" means that portion of the eligible costs approved by the authority
- 15 that an approved company may recover through the inducements authorized by KRS
- 16 154.25-030, being a percentage of eligible costs as approved by the authority;
- 17 (5) "Assessment" means the wage assessment fee authorized by KRS 154.25-040;
- 18 (6) "Authority" means the Kentucky Economic Development Finance Authority created
- 19 by KRS 154.20-010;
- 20 (7) "Commonwealth" means the Commonwealth of Kentucky;
- 21 (8) "Eligible company" means any corporation, limited liability company, partnership,
- 22 limited partnership, sole proprietorship, business trust, or any other entity
- 23 designated by the United States Department of Commerce, United States Census
- 24 Bureau North American Industry Classification System Code of 325211, 325510,
- 25 326199, 327211, 327212, 327215, 331111, 331221, 331521, 332312, 332813,
- 26 33299, 333415, 335110, 335221, 335222, 335224, 335228, 335911, 335912,
- 27 336211, 336111, 336112, 336120, 423510, 493110, 541614, 551114, or 561439,

1 that employs a minimum of one thousand (1,000) full-time persons engaged in
 2 automobile,~~[-or]~~ automobile parts or supplies, household appliance, or household
 3 appliance parts or supplies manufacturing, has been operating within the
 4 Commonwealth on a continuous basis for at least five (5) years preceding the
 5 request for approval by the authority of the project which meets the standards set
 6 forth in KRS 154.25-020, and that has been previously approved for economic
 7 development incentives from the Commonwealth related to one (1) or more of its
 8 facilities;

9 (9) "Eligible costs" means:

- 10 (a) Obligations incurred for labor and to vendors, contractors, subcontractors,
 11 builders, suppliers, deliverymen, and materialmen in connection with the
 12 acquisition, construction, equipping, rehabilitation, and installation of a jobs
 13 retention project;
- 14 (b) The cost of contract bonds and of insurance of all kinds that may be required
 15 or necessary during the course of a jobs retention project which is not paid by
 16 the vendor, supplier, deliveryman, contractor, or otherwise provided;
- 17 (c) All costs of architectural and engineering services, including estimates, plans
 18 and specifications, preliminary investigations, and supervision of construction,
 19 rehabilitation, and installation, as well as for the performance of all the duties
 20 required by or consequent upon the acquisition, construction, equipping,
 21 rehabilitation, and installation of a jobs retention project;
- 22 (d) All costs required to be paid under the terms of any contract for the
 23 acquisition, construction, equipping, rehabilitation, and installation of a jobs
 24 retention project;
- 25 (e) All costs required for the installation of utilities, including but not limited to
 26 water, sewer, sewer treatment, gas, electricity, communications, and railroads,
 27 and including off-site construction of the facilities paid for by the approved

1 company; and

2 (f) All other costs comparable with those described above;

3 (10) "Final approval" means the action taken by the authority authorizing the eligible
4 company to receive inducements under this subchapter;

5 (11) "Inducements" means the Kentucky tax credit and the wage assessment fee as
6 prescribed in KRS 154.25-030 and 154.25-040;

7 (12) "Jobs retention project" or "project" means the acquisition, construction, and
8 installation of new equipment and, with respect thereto, the construction,
9 rehabilitation, and installation of improvements to facilities necessary to house the
10 acquisition, construction, and installation of new equipment, including surveys;
11 installation of utilities, including water, sewer, sewage treatment, gas, electricity,
12 communications, and similar facilities; off-site construction of utility extensions to
13 the boundaries of the real estate on which the facilities are located; and shall contain
14 eligible costs of not less than one hundred million dollars (\$100,000,000), all of
15 which are utilized to improve the economic and operational situation of an
16 approved company to allow the approved company to reinvest in its operations and
17 retain a significant number of existing jobs within the Commonwealth;

18 (13) "Kentucky gross profits" means Kentucky gross profits as defined in KRS
19 141.0401;

20 (14) "Kentucky gross receipts" means Kentucky gross receipts as defined in KRS
21 141.0401;

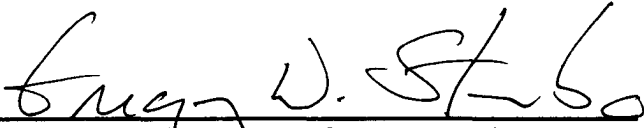
22 (15) "Manufacturing" means any activity involving the manufacturing, processing,
23 assembling, or production of any property, including the processing that results in a
24 change in the condition of the property and any related activity or function, together
25 with the storage, warehousing, distribution, and related office facilities;

26 (16) "Preliminary approval" means the action taken by the authority conditioning final
27 approval by the authority upon satisfaction by the eligible company of the

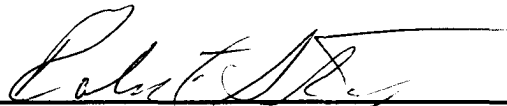
1 requirements under this subchapter;

2 (17) "Supplemental project" means an additional jobs retention project proposed by the
3 approved company or its affiliate during the term of a previously approved jobs
4 retention project, which may be included in the jobs retention agreement by way of
5 amendment and which may result in increased inducements and an extension of the
6 original project term as set forth in KRS 154.25-050; and

7 (18) "Transferred credits" means unused approved costs as determined by the
8 Department of Revenue from a previously approved, independent, active project
9 under a different incentive program governed by the Cabinet for Economic
10 Development that may be transferred to a jobs retention project and used by the
11 approved company pursuant to a jobs retention agreement.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4/10/14